I. SUMMARY

Through this Order, the Petition for Reconsideration/Clarification filed by Woodland Pulp LLC (Woodland Pulp) is granted. Specifically, this Order suspends the operation of ordering paragraph four contained in the Order Granting New Renewable Resource Certification filed in this docket on March 22, 2017.

II. BACKGROUND

On January 24, 2017, Woodland Pulp filed a petition to certify its Recovery Boiler, Power Boiler, and two Turbine Generators (collectively, the Facility) located in Baileyville, Maine as a Class I New Renewable Resource under the refurbishment provision of the Commission’s renewable portfolio standard (RPS) rules. Ch. 311, § 3(B)(3)(d). Chapter 311 provides Class I certification for generation facilities that meet resource requirements (such as biomass), generally have a nameplate capacity that exceeds 100 MW, and meet one of four vintage categories. After review of Woodland Pulp’s petition, the Commission determined that the Facility generated electricity utilizing a fuel mix that included biomass, had a nameplate capacity that did not exceed 100 MW, and qualified for the vintage category that allows for certification of facilities that have been refurbished after September 1, 2005 and are operating beyond their useful life. Accordingly, the Commission approved Class I certification for the electrical generation derived from the renewable output of the Facility. Woodland Pulp, Request for Certification for RPS Eligibility, Docket No. 2017-00013, Order Granting New Renewable Certification (Mar. 22, 2017) (Certification Order).

In addition, in the Certification Order, the Commission prescribed requirements that are customary for Class I facilities that serve load behind-the-meter. Specifically, the Commission has previously determined that behind-the-meter facilities may qualify for Class I certification because they serve Maine load. Lincoln Paper and Tissue, LLC, Request for Certification for RPS Eligibility, Docket No. 2008-173, Order Granting New Renewable Resource Certification at 8 (Jan. 27, 2009) (Lincoln Paper). However, to be consistent with the RPS requirements of competitive electricity providers that serve Maine load, owners of the behind-the-meter facility must retain GIS certificates or otherwise obtain GIS certificates necessary to satisfy Maine's RPS (both the original 30% and the “new” requirement) for that portion of its load that is served by the facility.
To this end, ordering paragraph four of the Certification Order requires Woodland Pulp to:

submit to the Commission an annual report by October 1st of each year that demonstrates compliance with the requirement that Catalyst (sic) must retain GIS certificates or otherwise obtain GIS certificates necessary to satisfy Maine’s RPS (both the original 30% and the “new” requirement) for that portion of its load that is served by the Woodland Pulp Facility.

On March 27, 2017, Woodland Pulp submitted a Petition for Reconsider/Clarification regarding ordering paragraph four of the Certification Order. Woodland Pulp provided a copy of its certification as a Pine Tree Zone Company and contends that this certification exempts Woodland Pulp from RPS requirements pursuant to Commission rules. Ch. 311, § 5(F). In particular, Woodland Pulp is claiming exemption under the Subsection 5(F) of Chapter 311, which states:

The sale of electricity by a competitive electricity provider to a qualified Pine Tree Development Zone business established under Title 30-A is exempt from the requirements of this Chapter and, at the request of the competitive electricity provider, sales to qualified Pine Tree Development Zone businesses must be excluded from any calculation by the commission to determine compliance with this Chapter.

Subsection 5(F) of Chapter 311 goes on to state that “[t]his subsection is repealed by operation of statute on December 31, 2009.” However, the statute to which subsection 5(F) refers has been repealed and replaced with 30-A M.R.S. § 5250-J(5), which establishes a termination date of December 31, 2028.

III. DECISION

Woodland Pulp’s Petition for Reconsideration/Clarification is granted to maintain consistency in the Commission’s approach to behind-the-meter facilities. In originally determining that behind-the-meter facilities are eligible for Class I certification, the Commission explained that these facilities are functionally equivalent to competitive electricity providers in regards to Maine’s RPS statute. Consequently, owners of the behind-the-meter facilities that receive Class I certification are required to comply with the same RPS requirements that are expected of competitive electricity provider. Under the Commission’s logic in Lincoln Paper, it would follow that behind-the-meter facilities would also be eligible to the same exemptions to RPS requirements that are afforded to competitive electricity providers under the Commission rules. Therefore, Woodland Pulp’s Petition for Reconsideration/Clarification is granted and the Commission orders that the Certification Order be amended to suspend the operation of ordering paragraph four until after December 31, 2028, in accordance with 30-A M.R.S. § 5250-J(5).
Dated at Hallowell, Maine, this 14th day of April, 2017.

BY ORDER OF THE COMMISSION

/s/ Harry Lanphear

Harry Lanphear
Administrative Director

COMMISSIONERS VOTING FOR: Vannoy
                      McLean
                      Williamson
NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. **Reconsideration** of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within 20 days from the date of filing is denied.

2. **Appeal of a final decision** of the Commission may be taken to the Law Court by filing, within 21 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.

3. **Additional court review** of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

**Note:** The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.